

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRIAN CHARLES STATELY,

Petitioner,

vs.

JACK PALMER, et al.,

Respondents.

Case No. 3:11-CV-00673-LRH-(VPC)

ORDER

The court directed petitioner to show cause why this action should not be dismissed because he had failed to exhaust his available remedies in the state courts. Order (#13). Petitioner has not responded within the allotted time.

Reasonable jurists would not find the court's conclusions to be debatable or wrong, and the court will not issue a certificate of appealability.

IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice for petitioner's failure to exhaust his available state-court remedies. The clerk of the court shall enter judgment accordingly.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

DATED this 16th day of May, 2012.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE